



500.38759VV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. KOBAYASHI, et al.
Application No.: 10/674,051
Filed: September 30, 2003
For: SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE
INCLUDING FIRST, SECOND AND THIRD GATES
(As Amended)
Art Group: 2811
Examiner: Unknown

02/26/2004 BSAYASI1 00000057 10674051

01 FC:1460

130.00 OP

PETITION UNDER 37 CFR § 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 23, 2004

Sir:

Receipt is hereby acknowledged of a Notice of Omitted Items in a Non-Provisional Application mailed December 23, 2003 in the above-identified matter.

In this Notice, it is indicated that page 78 of the Specification has been omitted from the application filed on September 30, 2003. In response to this, Applicants respectfully submit that page 78 was, in fact, deposited in the USPTO with the non-provisional application papers on September 30, 2003 (in other words, Applicants hereby elect Option 1 set forth in the Notice). As evidence of this, Applicants are enclosing herewith a copy of a return receipt postcard for this application, date-stamped from the USPTO as being received on September 30, 2003 (hereinafter referred to as Attachment 1). As can be seen from this return receipt postcard, it is indicated that the copy of the application with the cover sheet

specification, claims and abstract, totaled 199 pages. This corresponds to the total number of pages of the cover sheet specification, claims and abstract for this case. Thus, the fact that the return receipt postcard indicates that 199 pages were received on September 30, 2003 indicates that all of the pages of the specification, including page 78, were present at the time the application was deposited in the USPTO on September 30, 2003.

In accordance with the requirements of the Notice, Applicants are enclosing herewith a \$130 Petition Fee, required by 37 CFR 1.17(h). It is respectfully requested that this petition fee be refunded after it has been determined that the allegedly omitted item was, in fact, received by the USPTO. It is noted that a copy of the Notice is also filed herewith, as required in the Notice.

Inasmuch as page 78 has apparently been lost in the USPTO, Applicants are enclosing herewith a copy of this page to assist the USPTO in completing this file.

As a final point on this matter, it is noted that the present application is a Divisional of prior Serial no. 10/206,982, which is, in fact, a Divisional of an earlier application. It is further noted that the present Divisional application indicates in the Rule 1.53(b) Transmittal Letter that:

"The entire disclosure of the prior application, from which a copy of the Oath or Declaration is supplied under Box 5, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein."

As such, even if it is determined that the evidence supplied herewith is not sufficient to establish that page 78 was, in fact, deposited in the USPTO on September 30, 2003, it is noted that the incorporation by reference set forth in the Rule 1.53(b) Transmittal Letter includes page 78 from the parent applications. As such, the

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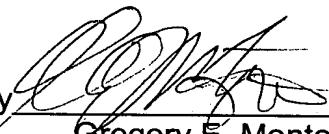
granting of the filing date of September 30, 2003 for this Divisional application is respectfully requested, in any event, based upon the incorporation by reference of page 78 from the parent application.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 500.38759VV2).

Respectfully submitted,

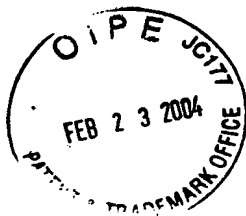
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

Gregory E. Montone
Reg. No. 28,141

GEM/dlt

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Patent Dkt. No. 500.38759VV2 Attorney Initials GEM/dlt
Application No. Not assigned yet Filing Date On even date herewith
Applicant(s) T. KOBAYASHI, et al.
Papers Filed Herewith on September 30, 2003

Receipt is hereby acknowledged of the papers filed as indicated by the checked items in connection with the above-identified application:

- | | |
|--|--|
| <input checked="" type="checkbox"/> New Application Transmittal Form | <input checked="" type="checkbox"/> Credit Card Payment Form |
| <u>199</u> Pages of Specification (<u>25</u> claims) | Fees \$ <u>1,092.00</u> |
| <u>70</u> Sheets of Drawings | <input checked="" type="checkbox"/> Amendment - Preliminary |
| <input checked="" type="checkbox"/> Declaration (<u>5</u> pages) | <input type="checkbox"/> Response to Office Action |
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Petition for Extension of Time (___ mos.) |
| <input type="checkbox"/> Claim for Priority | <input checked="" type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Priority Documents | <input checked="" type="checkbox"/> PTO-1449 <input type="checkbox"/> Copies of References |
| <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> Revised Drawings (___ sheets) |
| <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Other _____ | |

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09/30/03